

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DUNCAN J. MCNEIL,) CASE NO. C05-1043-RSL-MAT
Plaintiff,)
v.)
PHILIP H. BRANDT, et al.,) ORDER DENYING PLAINTIFF'S
Defendants.) MOTION FOR RECONSIDERATION
) OF ORDER DENYING HIS
) APPLICATION TO PROCEED *IN
FORMA PAUPERIS*
)

Plaintiff Duncan J. McNeil filed an application to proceed *in forma pauperis* (IFP) in a civil suit. (Dkt. 1.) Because plaintiff has litigated more than three prior actions that were dismissed as frivolous and malicious, and because he did not allege, nor was there any indication he is under imminent danger of serious physical injury, the Court concluded that he may not proceed in this action without paying the full filing fee pursuant to 28 U.S.C. § 1915(g). (Dkt. 2.)

Plaintiff filed a motion requesting, *inter alia*, that the Court modify, alter, or amend its order denying his IFP application. (Dkt. 3.) He asserts that he is “presently under imminent danger of serious physical injury, due to the conditions of [his] confinement (due to 8th amend. violations) and due to the intentional indifference to [his] health, safety & welfare, by the withholding [stet] of required medical care and treatment by [his] captors.” (*Id.* at 1-2.) The Court construes this request as a motion to reconsider the Court’s order denying plaintiff’s application to proceed IFP.

01 Local Rule 7(h) provides:

02 Motions for reconsideration are disfavored. The court will ordinarily deny such
03 motions in the absence of a showing of manifest error in the prior ruling or a showing
04 of new facts or legal authority which could not have been brought to its attention
earlier with reasonable diligence.

05 CR 7(h)(1). In this case, having considered plaintiff's motion for reconsideration of the order
06 denying his application to proceed IFP, the Court finds no showing of either manifest error or new
07 facts or legal authority. The Court further notes that plaintiff fails to offer anything more than
08 generalized assertions as to alleged imminent danger of serious physical injury.

09 It is therefore ORDERED:

10 (1) Plaintiff's motion for reconsideration (Dkt. 3) is DENIED; and
11 (2) The Clerk shall furnish copies of this order to plaintiff and to the Hon. Robert S.
12 Lasnik.

13 DATED this 25th day of July, 2005.

14 
15 Mary Alice Theiler
16 United States Magistrate Judge